

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS LIABILITY)	
LITIGATION)	
_____)	MDL No. 2419
)	Dkt. No 1:13-md-2419 (FDS)
THIS DOCUMENT RELATES TO:)	
)	
All Actions)	
_____)	

**SAINT THOMAS ENTITIES’ MOTION TO STAY OBJECTIONS
AND RESPONSES TO DISCOVERY PENDING SUBMISSION OF A DISCOVERY
PLAN AND AMENDED PROTECTIVE ORDER**

The Defendants Saint Thomas West Hospital, formerly known as St. Thomas Hospital, Saint Thomas Network, and Saint Thomas Health (collectively referred to as the “Saint Thomas Entities”) request that the Court grant a stay of their objections and responses to discovery propounded by the Plaintiffs’ Steering Committee (“PSC”) to allow the parties to pursue a Rule 26(f)/Local Rule 16.1 discovery plan with the PSC, and, if no plan can be agreed, to petition the Court for guidelines on master discovery protocols along the lines of the ones proposed by the Saint Thomas Entities and their co-defendants. These Defendants also request that they not be required to produce any documents until the Court resolves their request for an amended protective order in the form of the attached to the *Saint Thomas Entities’ Motion for Entry of a Second Amended Protective Order* (“Motion for Amended Protective Order”), filed contemporaneously.

For these reasons and those set forth in the Saint Thomas Entities’ *Memorandum in Support of Motion to Stay Discovery Pending Submission of a Discovery Plan and Amended Protective Order and Motion for Second Amended Protective Order*, filed contemporaneously,

the Saint Thomas Entities respectfully request that the Court: (i) grant this motion for a stay of the discovery served on them by the PSC, pending (a) submission of an agreed Rule 26(f) discovery plan to the Court or the entry of a CMO managing discovery; and (ii) grant such other and further relief to which the Saint Thomas Entities are entitled.

SAINT THOMAS WEST HOSPITAL,
FORMERLY KNOWN AS ST. THOMAS
HOSPITAL, SAINT THOMAS NETWORK,
AND SAINT THOMAS HEALTH

By its attorneys,

/s/ Sarah P. Kelly

Sarah P. Kelly (BBO #664267)

skelly@nutter.com

Dahlia Rin (BBO #674137)

drin@nutter.com

NUTTER McCLENNEN & FISH LLP

Seaport West

155 Seaport Boulevard

Boston, Massachusetts 02210

(617) 439-2000

Dated: November 25, 2013

OF COUNSEL:

Yvonne K. Puig*

Texas State Bar No. 16385400

Marcy Hogan Greer*

Texas State Bar No. 08417650

Eric J. Hoffman*

Texas State Bar No. 24074427

FULBRIGHT & JAWORSKI L.L.P.

98 San Jacinto Blvd. Suite 1100

Austin, Texas 78701

(512) 536-2450

(512) 536-4598 (FAX)

*Appearing *Pro Hac Vice*

CERTIFICATE OF CONFERENCE

Pursuant to Local Rules 7.1(a)(2) and 16.1(b) & (d), I certify that the Saint Thomas Entities had multiple conferences with counsel for the PSC and for their Tennessee co-defendants on the dates and times detailed in the Declaration of Marcy Hogan Greer, filed contemporaneously, but the parties were unable to come to agreement as to the matters presented by this motion.

/s/ Sarah Kelly
Sarah P. Kelly

CERTIFICATE OF SERVICE

This certifies that a true and accurate copy of the foregoing was served on all parties of record by virtue of the Court's electronic filing system this 25th day of November, 2013.

/s/ Sarah Kelly
Sarah P. Kelly